

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12184 of Frank and Vivian Felicione and the Trustees of the Phelps-Stokes Fund, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the use provisions (Section 3105) to permit the offices of a non-profit organization in the R-5-B District at the premises 1828 and 1832 Corcoran Street, N.W. (Lots 103 and 109, Square 134).

HEARING DATE: September 15, 1976

DECISION DATE: December 21, 1976

FINDINGS OF FACT:

1. The properties are located in the R-5-B District.
2. Applicants are utilizing the properties as office space for the Phelps-Stokes Fund.
3. Applicants applied for, and were denied, a certificate of occupancy. The denial was based on non-conforming use.
4. The Phelps-Stokes Fund is a non-profit corporation created by statute in the state of New York for the purpose of advancing the education "... of Negroes, both in Africa and the United States, North American Indians and needy and deserving white students...."
5. Although applicants have performed certain alterations on the buildings for the purposes of office use, there was no showing that the properties are unsuited for residential use.
6. Applicants moved by supplemental memorandum to amend its application for a use variance to alternately appeal the Zoning Administrator's denial of a Certificate of Occupancy. Applicants assert that they are entitled to use the properties as office space as a matter of right.
7. The application was opposed by the Dupont Circle Citizens Association and the North Dupont Community Association as an unwarranted withdrawal of needed housing.

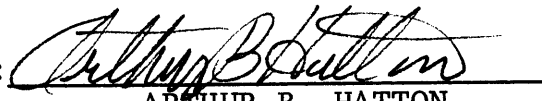
CONCLUSIONS OF LAW AND OPINION

Applicant initially sought a use variance which requires a showing of exceptional hardship bordering on an economic taking. The Board is of the opinion that no such showing has been made. Applicant alternately asserts that it is entitled to use the properties as office space as a matter of right, the applicant asserting it is a philanthropic and eleemosynary institution under Sub-section 3105.36. Such an institution is defined in Section 1202 as a place of asylum. Here applicant has failed to demonstrate that the property is used for any purpose other than office space for a non-profit corporation. Accordingly, the Board is of the opinion that the denial of the Certificate of Occupancy was proper. It is therefore ORDERED that the application for a use variance is hereby DENIED and the denial of the Certificate of Occupancy is hereby AFFIRMED.

VOTE : 3-1 (William F. McIntosh, Leonard McCants, Esq. and William Harps. Lilla B. Cummings, Esq., to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



ARTHUR B. HATTON

Secretary to the Board

FINAL DATE OF ORDER:

4-22-77